



Greenham and Crookham Commons Act 2002

2002 CHAPTER i

PART 4

CONSERVATION OF COMMON

26 Register to be maintained by Commission

- (1) As soon as reasonably practicable after the appointed day, the Commission shall prepare a register of commoners in accordance with this section; and shall subsequently maintain that register.
- (2) There shall be recorded in the register the following particulars—
 - (a) the name and address of each person who, as provided by section 4 (Rights of common) or section 5 (Restoration of extinguished rights of common) above or section 33 (Disposals of rights of common) below, is entitled to graze an animal or animals on the Common and who exercises that right at any time during the year;
 - (b) the name and address of each person who, as provided by section 4 or 5 above or section 33 below, is entitled to exercise any other right of common on the Common and who exercises that right at any time during the year;
 - (c) the name and address of any person who, as provided by section 4 or 5 above or section 33 below, is entitled to graze an animal or animals on the Common but does not exercise that right and who applies to be entered in the register in accordance with subsection (6) below;
 - (d) the name and address of any person who, as provided by section 4 or 5 above or section 33 below, is entitled to exercise any other right of common on the Common but does not exercise that right and who applies to be entered in the register in accordance with subsection (6) below;
 - (e) as respects each person falling within paragraph (a), (b), (c) or (d) above, a description of the land to which the right of common concerned is appurtenant;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (f) as respects each person falling within paragraph (a) above, the number of animals which for the time being that person grazes on the Common and the mark, tag or other method by which the ownership of those animals may be identified;
 - (g) as respects each person falling within paragraph (c) above, the number of animals which that person is entitled to graze on the Common;
 - (h) where two or more persons are commoners by virtue of a joint holding and have applied under subsection (7) below for one of their number or a relative to be recorded as the person entitled to vote for the purposes of Schedule 1 (Appointment and election of Commissioners) to this Act, the name of that last mentioned person;
 - (i) where a person entered in the register has applied under subsection (8) below for a relative to be recorded as the person entitled to vote for the purposes of Schedule 1 (Appointment and election of Commissioners) to this Act, the name of that relative; and
 - (j) such other particulars in relation to each registered commoner as the Commission thinks fit.
- (3) The secretary of the Commission may, after giving written notice to any person who is recorded in the register, make such amendments to any registered particulars relating to that person as the Commission considers to be necessary (including, if the secretary considers that that person is no longer a commoner, the deletion of the entry relating to that person).
- (4) Any commoner who has grazed an animal or animals, or who has exercised any other rights of common, on any part of the Common in the period of 12 months ending on the appointed day shall, within the period of 28 days beginning with the appointed day, apply to the secretary of the Commission to be registered and give the secretary of the Commission such particulars as are reasonably required to be recorded in the register.
- (5) After the appointed day, any other person who—
- (a) is not for the time being registered under subsection (2)(a) or (b) above (as the case may be);
 - (b) is entitled as provided by section 4 or 5 above or section 33 below to exercise a right of common on the Common; and
 - (c) proposes to exercise that right,
- shall not less than 28 days before exercising that right apply to the secretary of the Commission to be registered and shall give the secretary such particulars as are reasonably required to be recorded in the register.
- (6) Any person falling within subsection (2)(c) or (d) above, may apply to the secretary of the Commission to be entered in the register as a commoner and, on giving the secretary such particulars as are reasonably required to be recorded in the register, shall be entitled to be so registered.
- (7) Where two or more persons are commoners by virtue of a joint holding, they may from time to time jointly nominate one of their number, or a relative of any one of them, as the person entitled to vote for the purposes of Schedule 1 (Appointment and election of Commissioners) to this Act, and may apply for the nomination to be recorded in the register.
- (8) A person who is entered in the register may from time to time nominate a relative as the person entitled to vote for the purposes of Schedule 1 (Appointment and election

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

of Commissioners) to this Act in respect of the relevant rights of common; and may apply for the nomination to be recorded in the register.

- (9) A relative nominated and recorded in the register as entitled to vote under subsection (7) or (8) above shall be entitled to vote and eligible for nomination for election under Schedule 1 (Appointment and election of Commissioners) to this Act until—
- (a) the nomination is withdrawn; or
 - (b) the person entered in the register as a commoner ceases to be a commoner or, in the case of a joint holding, all the persons so entered cease to be commoners.
- (10) Any person who is entered in the register shall, if that person ceases to be a commoner or if there is any other change in the relevant particulars recorded in the register, notify the secretary of the Commission of the change not later than 28 days after the change has taken place.
- (11) Any person who is entered in the register in respect of rights of common may, if that person ceases to exercise those rights (or, being a person falling within subsection (2) (c) or (d) above, no longer wishes to be entered on the register), apply to the secretary of the Commission to be removed from the register.
- (12) Any person who, without reasonable excuse—
- (a) exercises a right of common without being entered in the register in respect of that right;
 - (b) fails to apply for registration, or to give any particulars required, under paragraph (4), (5) or (10) above; or
 - (c) gives under this section any particulars which that person knows to be false or misleading,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (13) Any member of the public may at any reasonable time and without charge inspect the register.